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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,069

05/26/2005

Stephanie Wald

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04/02/2009

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

LE, KHANH H

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,069

Applicant(s)

WALD ET AL.

Examiner

KHANH H. LE

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/21/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-112 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Restriction is required under 35 U.S.C. 121 and 372

1. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. **Group I, claim(s) 1-23,67-84, 92, 95-97, 99-101, 106, 107, 108, and 110** drawn to an advertising control method for receiving an advertisement identification message (AIM) at a first mobile device; sending the AIM from the first mobile device to a content display unit (CDU) and storing the AIM in the CDU; selecting at least one content item from among a plurality of content items based, at least in part, on at least one stored AIM, the stored AIM being stored in the CDU; and displaying the selected content item on the CDU.

Group II, claim(s) 24-66, 93, 94, 102-104, 105, and 111 drawn to content control method and means or apparatuses for associating an entitlement with a content item identifier; embedding the entitlement in an article; sending the entitlement from the article to a content display unit (CDU); and displaying a content item associated with the content item identifier on the CDU.

Group III, claim(s) 85-88, 89-91, 98, 109,112 drawn to a content item selection method comprising and apparatuses for: accumulating content item display points for each of a plurality of display point categories; and choosing a content item for display based, at least in part, on a comparison between a point total for one of the display point categories and a category associated with the content item.

3. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group II's special technical feature (see independent claim 24), is drawn to associating an entitlement with a content item identifier; embedding the entitlement in an article; sending the entitlement from the article to a content display unit ; and displaying a content item associated with the content item identifier on the display unit, which is not required by Invention I, which is directed to receiving advertisement identification message (AIM) to mobile device, therefrom to a content display unit (CDU), where it is stored, then selecting a content item based on the stored AIM.

Group III's special technical feature (see independent claim 85) is accumulating content item display points and choosing a content item for display based, at least in part, on a comparison between a point total for one of the display point categories and a category associated with the content item, which is not required by Invention I, which is directed to receiving advertisement identification message (AIM) to mobile device, therefrom to a content display unit (CDU), where it is stored, then selecting a content item based on the stored AIM. Nor is it required by Invention II, which is drawn to associating an entitlement with a content item identifier; embedding the entitlement in an article; sending the entitlement from the article to a content display, and displaying a content item associated with the content item identifier on the content display.

4. Because inventions I, II and III lack the same or corresponding special technical features for the reasons given above and the inventions require a different field of search, restriction for examination purposes as indicated is proper.

5. Since the restriction is complex and the examiner knows from past experience that an election will not be made by telephone, this restriction is proper under MPEP 812.01.

6. The period for reply to this Restriction requirement is one (1) month. (See MPEP 809.02(a)).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday, Wednesday, and Friday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James W. Myhre can be reached on 571-272-6722. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314)..

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 30, 2009

/Khanh H. Le/

Examiner, Art Unit 3688